

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUXOTTICA GROUP, S.p.A., an
Italian Corporation

Plaintiff,

v.

GREENBRIAR MARKETPLACE II,
LLC, a Georgia limited liability
company, 2925 PROPERTIES, LLC, a
Georgia limited liability company
d/b/a GREENBRIAR DISCOUNT
MALL, PATRICK SWINDALL, and
KIMBERLY SWINDALL, individually

Defendants.

CIVIL ACTION NO.
1:15-cv-01382-AT

**STIPULATED PERMANENT INJUNCTION AND
DISMISSAL OF ACTION WITH PREJUDICE**

The parties have agreed to the following Stipulated Permanent Injunction and Dismissal of Action with Prejudice, which the Court hereby approves:

WHEREAS Plaintiff Luxottica Group S.p.A. ("Luxottica") has filed a Complaint in this action charging, inter alia, Defendants Greenbriar Marketplace II, LLC, 2925 Properties, LLC, Patrick Swindall and Kimberly Swindall with Contributory Trademark Infringement arising from sale, offering for sale, and distribution of goods bearing counterfeit reproductions of Luxottica Group's Ray-

Ban trademarks at Greenbriar Discount Mall, located at 2975 Headland Drive, Atlanta, Georgia.

WHEREAS the parties have entered into a Settlement Agreement and Mutual Release to fully resolve all of the claims in this action among the parties;

WHEREAS Defendants have agreed to consent to the below terms of permanent injunction:

1. Defendants, their agents, servants, successors, and assigns agree that they will immediately cease and desist and forever refrain from purchasing, distributing, circulating, selling, offering for sale, advertising, promoting, displaying, or incorporating in advertising or marketing any merchandise (which is not authorized by Luxottica Group) bearing unauthorized simulations, reproductions, counterfeits, copies or colorable imitations of the Luxottica Group trademarks.

2. Defendants, their agents, servants, successors, and assigns agree that they will immediately cease and desist and forever refrain from assisting, aiding or attempting to assist or aid any other person or entity in performing any of the prohibited activities referred to in paragraph 1 above.

WHEREAS the parties further stipulate to the following:

1. This Court has jurisdiction over the parties herein and has jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.

2. The execution of this Stipulation shall serve to bind and obligate the parties hereto.

3. Each party shall bear their own attorneys' fees and costs associated with the present action.

4. The jurisdiction of this Court is retained for the purpose of making any further orders necessary or proper for the enforcement of this Stipulation/Order as well as the parties' settlement agreement in connection with this action.

5. Except as otherwise provided herein, this action is fully resolved by dismissal with prejudice.

IT IS SO ORDERED this 11th day of April, 2017.


Amy Totenberg
United States District Judge